

CHAPTER NO. 86

HOUSE BILL NO. 3101

By Representative Bunch

Substituted for: Senate Bill No. 3221

By Senator Miller

AN ACT to amend Chapter 78 of the Private Acts of 1993; as amended by Chapter 165 of the Private Acts of 1994; Chapter 85 of the Private Acts of 1997; Chapter 86 of the Private Acts of 1997; Chapter 12 of the Private Acts of 1997; Chapter 12 of the Private Acts of 1999; Chapter 52 of the Private Acts of 1999 and Chapter 24 of the Private Acts of 2001; and any other acts amendatory thereto, relative to vacancies on the city council in the city of Cleveland.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 78 of the Private Acts of 1993; as amended by Chapter 165 of the Private Acts of 1994; Chapter 85 of the Private Acts of 1997; Chapter 86 of the Private Acts of 1997; Chapter 12 of the Private Acts of 1997; Chapter 12 of the Private Acts of 1999; Chapter 52 of the Private Acts of 1999 and Chapter 24 of the Private Acts of 2001; and any other acts amendatory thereto, is amended in Article IV, Section 7 by deleting the following language:

Any vacancy in the city council shall be filled by appointment made by the remaining members thereof, and the council member so appointed shall be a qualified resident of his or her respective councilmanic district for district positions or the City of Cleveland for the at large positions and shall serve for the remainder of the unexpired term. In the event of the occurrence of any vacancy in the city council which may, under the provisions of this section, be filled by appointment by the remaining council members, and such remaining council members shall fail or neglect to fill such vacancy within thirty (30) days of its occurrence, it shall be the duty of the election commissioners of Bradley County, upon certification of such facts to them by the mayor or any council member, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy for the remainder of the unexpired term, provided such certification be made to the election commissioners for Bradley County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election.

and by substituting instead the following:

Any vacancy in the city council or the office of mayor shall be filled by appointment made by the remaining members thereof, and the council member so appointed shall be a qualified resident of his or her respective councilmanic district for district positions or the City of Cleveland for the at large positions or the office of mayor and shall serve until the next general city election. The successor elected in the general city election shall serve the remainder of the unexpired term. In the event of the occurrence of any vacancy in the city council or the office of mayor which may, under the provisions of this section, be filled by appointment by the remaining council members, and such remaining council members shall fail or neglect to fill such vacancy within thirty (30) days of its occurrence, it shall be the duty of the election commissioners of Bradley County, upon certification of such facts to them by the mayor or any council member, to

call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy for the remainder of the unexpired term, provided such certification be made to the election commissioners for Bradley County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Cleveland. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

PASSED: February 26, 2004



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 9th day of March 2004



PHIL BREDEZEN, GOVERNOR